

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

NATIONAL COALITION FOR MEN and
JAMES LESMEISTER, individually and
on behalf of others similarly situated,

Plaintiffs,

v.

SELECTIVE SERVICE SYSTEM;
DONALD M. BENTON as Director of
Selective Service System; and Does 1
through 50, inclusive,

Defendants.

No. 4:16-cv-3362

**UNOPPOSED MOTION FOR STAY OF PRETRIAL DEADLINES
IN LIGHT OF A LAPSE IN APPROPRIATIONS**

Defendants the Selective Service System and Donald M. Benton, in his official capacity as Director of the Selective Service System, respectfully move for a stay of the forthcoming pretrial deadlines in the above-captioned case.

1. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice therefore requests a stay of the forthcoming pretrial deadlines in this case, including the joint pretrial order (due January 11, 2019), the deadline for objections to witnesses and exhibits (due January 18, 2019), and the docket call (currently scheduled for January 25, 2019), until Congress has restored appropriations to the Department. (The parties have reached agreement on a joint mediation statement, due January 4, 2019, which will be filed by counsel for Plaintiff on or before that date.)

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

5. Opposing counsel has authorized undersigned counsel to state that the Plaintiffs have no objection to this motion.

6. Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of the forthcoming pretrial deadlines in this case, including the joint pretrial order, the deadline for objections to witnesses and exhibits, and the docket call, until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

A proposed order is attached.

Dated: December 26, 2018

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General

ANTHONY J. COPPOLINO
Deputy Director, Federal Programs Branch

/s/ Michael J. Gerardi
Michael J. Gerardi (D.C. Bar No. 1017949)
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L St. NW, Room 12212
Washington, DC 20005
Tel: (202) 616-0680
Fax: (202) 616-8460
E-mail: michael.j.gerardi@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on December 26, 2018, I electronically filed a copy of the foregoing. Notice of this filing will be sent via email to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF System.

/s/ Michael J. Gerardi

MICHAEL J. GERARDI

CERTIFICATE OF CONFERENCE

I hereby certify that I conferred with plaintiffs' counsel about the relief requested in the foregoing and plaintiffs' counsel indicated plaintiffs do not oppose this motion.

/s/ Michael J. Gerardi

MICHAEL J. GERARDI